THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :25034 of 2007

DATED:26-11-2007

BETWEEN:
Movva Venkateswara Rao.

..... PETITIONER

AND

The Tahsildar,
Nandigama mandal,
Nandigama District & another.

.....RESPONDENTS

_
_
_
_
_
_

ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents in seeking to dispossess the petitioner from his land in an extent of Ac.0.40 cents in Sy.No.195/1 of Somavaram village, Nandigama mandal, Krishna District and distribute the same to others, even while appeal filed before the 2nd respondent is pending under the A.P.Assigned Lands (Prohibition of Transfers)Act, 1977 (for brevity, 'the Act'), as illegal and arbitrary.

3. It is the case of the petitioner that as against the notice, dated 01-05-2007, issued in Form-I under Rule 3 of the A.P.Assigned Land (Prohibition of Transfers) Rules, 1977 calling upon the petitioner to submit an explanation as to why the extent of Ac.2.08 cents in Sy.No.195/1 of Somavaram village, Nandigama mandal, Krishna District shall not be resumed as the said land was an assigned land and the assignee has transferred the same in contravention of sub-Section 2 of Section 3 of the Act, petitioner filed reply, dated 12-06-2007, and thereafter, the 1st respondent-Tahsildar, Nandigama mandal passed orders under Section 4(1) (a) of the Act in Rc.A2/130/2007, dated 12-07-2007, resuming the aforesaid land on the ground that the said land was originally assigned in favour of one Jillepalli Sangaiah and the petitioner is found in possession of the said land in contravention of sub-

Sections 1 & 2 of Section 3 of the Act. As against the said order petitioner filed an appeal before the 2nd respondent-Revenue Divisional Officer, Vijayawada on
09-10-2007 within the prescribed time under Section 4A (1) of the Act.

4. Learned Government Pleader, on instructions, submits that appeal filed by the petitioner is pending before the 2nd respondent.

5. Having regard to the facts and circumstances of the case, 2nd respondent-Revenue Divisional Officer, Vijayawada is directed to consider and dispose of the said appeal filed against the order of the 1st respondent, and pending disposal of the appeal petitioner shall not be dispossessed.

6. Accordingly, Writ Petition is disposed of. There shall be no order as to costs.

_____

V.ESWARAIAH,J

26th November, 2007.

Note:

Furnish C.C. of the order
within one week.

B/o

Tsy